

CIVIL COVER SHEET

JS 44 CAND (Rev. 12/11)

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

RONALD ROLLINS

(b) County of Residence of First Listed Plaintiff KANAWHA
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)
G. Thomas Martin, III (SBN 218456) PRICE LAW GROUP, APC
15760 Ventura Blvd., #1100, Encino, CA 91436
Telephone: (818) 907-2030

DEFENDANTS

DIVERSIFIED COLLECTION SERVICES, INC.; and DOES 1-10, inclusive

County of Residence of First Listed Defendant ALAMEDA
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☒ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant
- ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Med. Malpractice	PERSONAL INJURY <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 463 Habeas Corpus - Alien Detainee (Prisoner Petition) <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS - Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer-Influenced and Corrupt Organizations <input checked="" type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes

V. ORIGIN

(Place an "X" in One Box Only)

- ☒ 1 Original Proceeding
- ☐ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from another district (specify)
- ☐ 6 Multidistrict Litigation

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
15 USC 1692

VI. CAUSE OF ACTION

Brief description of cause:
Unlawful Debt Collection Practices

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DEMAND \$
According to Proof

CHECK YES only if demanded in complaint:
JURY DEMAND: ☒ Yes ☐ No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

IX. DIVISIONAL ASSIGNMENT (Civil L.R. 3-2)

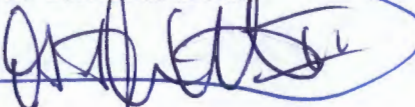
(Place an "X" in One Box Only)

☒ SAN FRANCISCO/OAKLAND☐ SAN JOSE☐ EUREKA

DATE

06/09/2012

SIGNATURE OF ATTORNEY OF RECORD



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7 tom@plglawfirm.com
8 Attorneys for Plaintiff,
9 RONALD ROLLINS

FILED *A*
JUN 19 2012
RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND
Free pad
iss.
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ADR
MEJ

10 **UNITED STATES DISTRICT COURT**
11 **NORTHERN DISTRICT OF CALIFORNIA**

C12-03148

12 RONALD ROLLINS,

13 Plaintiff,

14 vs.

15 **DIVERSIFIED COLLECTION**
16 **SERVICES, INC.;** and DOES 1 to 10,
17 inclusive,

18 Defendants.

Case No.:

**COMPLAINT AND DEMAND FOR
JURY TRIAL**

(Unlawful Debt Collection Practices)

Demand Does Not Exceed \$10,000

19 **COMPLAINT**

20 **INTRODUCTION**

21
22 1. This is an action for actual and statutory damages brought by plaintiff
23 Ronald Rollins an individual consumer, against defendant Diversified Collection
24 Services, Inc., for violations of the Fair Debt Collection Practices Act, 15 U.S.C. §
25 1692 *et seq.* (hereinafter "FDCPA") and the Rosenthal Fair Debt Collection
26 Practices Act, Cal. Civ. Code §§ 1788 *et seq.* (hereinafter "RFDCPA"), which
27 prohibit debt collectors from engaging in abusive, deceptive, and unfair practices.
28

VENUE AND JURISDICTION

2. Jurisdiction of this court arises under 15 U.S.C. § 1692k(d), Cal. Civ. Code §§ 1788.30, and 28 U.S.C. § 1331 and § 1337. Venue in this District is proper in that the Defendant transacts business here and the conduct complained of occurred here.

PARTIES

3. Plaintiff, Ronald Rollins is a consumer, a natural person allegedly obligated to pay any debt, residing in the state of West Virginia.

4. Defendant, Diversified Collection Services, Inc. is a corporation engaged in the business of collecting debt in this state with its principal place of business located in Alameda County at 333 North Canyons Parkway, Suite 100, Livermore, California 94551. The principal purpose of Defendant is the collection of debts in this state and Defendant regularly attempts to collect debts alleged to be due another.

5. Defendant is engaged in the collection of debts from consumers using the mail and telephone. Defendant regularly attempts to collect consumer debts alleged to be due to another. Defendant is a "debt collector" as defined by the FDCPA, 15 U.S.C. § 1692a(6), and the Cal. Civ. Code § 1788.2.

FACTS

6. Upon information and belief, within one year prior to the filing of this complaint, Defendant placed collection calls to Plaintiff, calls which displayed the intent to harass and annoy Plaintiff, seeking and demanding payment for an alleged consumer debt owed under an account number.

7. The debt that Defendant is attempting to collect on is an alleged obligation of a consumer to pay money arising out of a transaction in which the money, property, insurance or services which are the subject of the transaction are primarily for personal, family, or household purposes, whether or not such obligation has been reduced to judgment.

8. Upon information and belief, Defendant began contacting Plaintiff and placing collection calls to Plaintiff prior to June 1, 2012.

9. Upon information and belief, within one year of the filing of this complaint, Defendant continued to call Plaintiff's workplace after having already been given reason to know that such calls inconvenienced Plaintiff and/or were prohibited and after the secretary at Plaintiff's place of employment gave it Plaintiff's cell phone number to call instead.

10. Upon information and belief, Defendant, within one year of this filing of this complaint, in connection with the collection of the alleged debt, asked Plaintiff's girlfriend, mother, and also the secretary at his place of employment to

1 relay a message to Plaintiff, without Plaintiff's consent; which is improper conduct
2 with third parties who are not connected to Plaintiff's alleged debt.

3 11. As a result of the acts alleged above, Plaintiff suffered emotional
4 distress resulting in Plaintiff feeling stressed, and embarrassed, amongst other
5 negative emotions.
6

7 **COUNT I – FDCPA**
8

9 12. Plaintiff repeats and realleges and incorporates by reference to the
10 foregoing paragraphs.
11

12 12. Defendant violated the FDCPA. Defendant's violations include, but
13 are not limited to, the following:

14 (a) Defendant violated §1692f of the FDCPA by using unfair or
15 unconscionable means in connection with the collection of an
16 alleged debt; and
17

18 (b) Defendant violated §1692c(b) of the FDCPA by contacting a third
19 party in connection with the collection of the alleged debt without
20 the consent of Plaintiff and without the contact being in a manner
21 covered by §1692b of the FDCPA; and
22

23 (c) Defendant violated §1692a(3) by calling Plaintiff's place of
24 employment with knowledge or the reason to know that the
25 consumer's employer prohibits the consumer from receiving such
26
27
28

1 communication, without the prior consent of Plaintiff given
2 directly to Defendant or the express permission of a court of
3 competent jurisdiction.
4

5 14. As a result of the foregoing violations of the FDCPA, Defendant is
6 liable to the plaintiff Ronald Rollins for actual damages, statutory damages, and
7 costs and attorney fees.
8

9 **COUNT II – RFDCPA**
10

11 15. Plaintiff repeats and realleges and incorporates by reference the
12 foregoing paragraphs.
13

14 16. Defendant violated the Rosenthal Fair Debt Collection Practices Act
15 (“RFDCPA”). Defendant’s violations include, but are not limited to the following:

16 (a) Defendant violated §1788.12(a) of the RFDCPA by
17 communicating to Plaintiff’s employer regarding Plaintiff’s alleged
18 debt for purposes not concerning verifying debtor’s employment,
19 locating the debtor, or attempting to affect post-judgment garnishment
20 of Plaintiff’s wages; and
21

22 (b) Defendant violated §1788.12 of the RFDCPA by communicating
23 information regarding a consumer debt to debtor’s mother, who does
24 not live with Plaintiff nor serves as Plaintiff’s legal guardian for
25 purposes not related to locating the debtor.
26
27
28

1 (c) Defendant violated §1788.17 of the RFDCPA by being a debt
2 collector collecting or attempting to collect a consumer debt that is not
3 compliant with the provisions of Sections 1692b to 1692j of the
4 FDCPA, the references to federal codes in this section referring to
5 those codes as they read as of January 1, 2001.
6

7
8 16. Defendant's acts as described above were done intentionally with the
9 purpose of coercing Plaintiff to pay the alleged debt.

10 17. As a result of the foregoing violations of the RFDCPA, Defendant is
11 liable to the plaintiff Ronald Rollins for actual damages, statutory damages, and
12 costs and attorney fees.
13

14 WHEREFORE, Plaintiff respectfully requests that judgment be entered against
15 defendant Diversified Collection Services, Inc. for the following:
16

17 A. Actual damages.

18 B. Statutory damages pursuant to 15 U.S.C. § 1692k.

19 C. Statutory damages pursuant to Cal. Civ. Code § 1788.30.

20 D. Costs and reasonable attorney fees pursuant to 15 U.S.C. § 1692k and
21 Cal. Civ. Code § 1788.30.
22

23 E. For such other and further relief as the Court may deem just and proper.
24

25
26 RESPECTFULLY SUBMITTED,
27
28

1 DATED: June 13, 2012

PRICE LAW GROUP APC

2
3 By: 

4 G. Thomas Martin, III
5 Attorney for Plaintiff

6 **DEMAND FOR JURY TRIAL**

7 PLEASE TAKE NOTICE that Plaintiff, RONALD ROLLINS demands trial
8 by jury in this action.
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